

# Annual Report

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# Foreword


## Chairman of the Sentencing Guidelines Council

The last twelve months have been an extremely productive period in the work of the Sentencing Guidelines Council, with a total of 5 definitive guidelines being published and guidelines in relation to 8 separate topics being prepared or offered for consultation. I am particularly pleased to report that the Council, working closely with the Sentencing Advisory Panel and a specially convened advisory group, has been able to prepare a revised version of the Magistrates' Court Sentencing Guidelines. As with all other definitive guidelines, these will have the authority of statute and will require every magistrates' court to have regard to their provisions when sentencing. The Council is nearing the completion of its goal of producing a guideline for the majority of offences that are regularly sentenced as well as for key issues of general principle. It is hoped that this will be achieved by the summer of 2009 – a significant achievement and testimony to the skills and commitment of the part-time members of both the Panel and Council.

I am particularly pleased to be able to announce that three members of the Council have agreed to serve for a further term of three years. Sir Igor Judge, Peter Beaumont and Peter Neyroud have provided invaluable assistance and support to the work of the Council

and their on-going contribution will be greatly valued. In the Foreword to last year's Annual Report I was able to thank Professor Martin Wasik for his contribution to the work of the Panel as he stepped down from his role as its Chairman. It is with great pleasure that I am able to congratulate him on his recent award of a C.B.E. I wish him every success.

I have served as Chairman of the Council for almost three years, and it is with regret that I will stand down from this role at the start of the next legal year. I have been unceasingly impressed by the commitment of all those members of the Panel and Council who have offered their time, skills and knowledge, some on a voluntary basis, and would like to offer my sincere thanks to them for doing so. There is a challenging and uncertain time ahead for both the Panel and Council as the Government reviews the conclusions of Lord Carter in his Review of Prisons, published in December 2007, and awaits the results of Lord Justice Gage's working group on the implications of a Sentencing Commission. Whatever the future may hold for the Panel and Council, the contribution both have made to sentencing practice in the Courts of England and Wales has been, and will continue to be of great value.



It remains only for me to thank the Sentencing Guidelines Secretariat, and in particular Kevin McCormac and Joanne Savage, for their hard work on behalf of the Council; without their efforts it would be impossible to achieve the Council's aims.

Lord Phillips,  
Chairman, Sentencing Guidelines Council

# Foreword


## Chairman of the Sentencing Advisory Panel

This has been a challenging year for the Panel, its members and the secretariat. On the one hand, we have pressed ahead with a programme of work that was particularly demanding for a body that meets on average for only 15 days per year. We have continued to ensure that our Consultation Papers reach all interested parties, we have considered all the responses to each consultation (including those sent by e-mail), we have commissioned independent empirical research into public attitudes (notably in relation to offences of causing death by driving) and we have submitted advice to the Council on a number of diverse topics. The Panel is grateful to members of the secretariat for their hard work, and particularly to Lesley Dix for her many contributions in this demanding year.

On the other hand, this has been a year in which clouds of uncertainty have gathered over the future role of the Panel in the creation and monitoring of sentencing guidelines. The Carter Report in December 2007 suggested an integrated Sentencing Commission with a wider range of responsibilities and that suggestion is now receiving detailed assessment from a working group chaired by Lord Justice Gage. One consequence of this uncertainty is that the normal processes of Panel member retirement

and recruitment will not take place this year, and the composition of the Panel will therefore remain largely unchanged for another 12 months. I am thankful to those members who have agreed to their appointments being extended for a further year.

One notable achievement during this reporting year has been the revision of the Magistrates' Court Sentencing Guidelines. A set of guidelines has been in existence for many years now, but, for the first time, the guidelines for magistrates' courts have been drawn into the statutory framework for sentencing guidelines. This means that, when they come into force, the guidelines will have statutory authority and sentencers will be required to give reasons if they decide to depart from them. Because of the size of the task, an advisory group was established to undertake much of the preparation of draft revised guidelines, on which the Panel then consulted, and to assist the Panel by giving consideration to the many responses received. Four members of the Panel (Anne Fuller, David Mallen, Howard Riddle and Andrew Ashworth) were members of the advisory group. Chris Armstrong (a Justices' Clerk), Cindy Barnett (Chair of the Magistrates' Association), David Brewer (a Justices' Clerk), Stephen Day (a District Judge), and David Meredith (a District Judge) also



generously gave their time as members of the group. The group was fortunate to have the strong support of Kevin McCormac and Louise Moreland, from the secretariat. The Panel as a whole is immensely grateful to the advisory group for the time and energy devoted to this important task.

I would like to conclude by recording the Panel's great pleasure at the award of a C.B.E. to our former chairman, Professor Martin Wasik. Martin's leading role in establishing the Panel's working methods and its relationships with other bodies was critical to the Panel's development and success, and we are delighted that he has received this recognition.

Professor Andrew Ashworth  
Chairman, Sentencing Advisory Panel





# Section 1

## The year in brief: work programme


Early in 2007, the Council and the Panel sought views on priorities for the following 18 months. In June 2007, a programme was agreed which continued to give priority to offences that come before the courts in high volumes or result in a large number of custodial sentences as well as to new offences.

Substantial progress has been made on the priorities identified for 2007/08. By the summer of 2009 we expect that there will be a Council guideline in force for the majority of offences that are regularly sentenced as well as for key issues of general principle.

The Council and Panel have published (or are actively considering) a wide range of consultation papers, advice, consultation guidelines and definitive guidelines. Substantial research projects have also been completed. In addition, the Compendium of Court of Appeal Judgments continues to be kept up to date and provides a valuable resource to both the judiciary and to practitioners. The most significant addition has been a summary of the legislative provisions and relevant case law relating to the sentencing of dangerous offenders, introducing considerable clarity to a complex area of sentencing.

There is a strong commitment to incorporating diversity issues into every aspect of our work. The Panel has established a diversity sub-group and has published a 'statement of intention' which explains how the statutory obligations arising from the various strands of diversity legislation will be met. In particular, at a very early stage in the consideration of a topic, the Panel consults key stakeholders to identify any factors that might result in sentences that impact unfairly on grounds of race, disability, religion, ethnicity, gender, sexual orientation or age. This is in addition to the normal consultation process. The Council and the Panel have also given detailed consideration to internal working processes. They concluded that considerable benefits continue to be derived from the wide membership of the two organisations and the extensive consultation that comes from the present system.

Changes have been made to strengthen the transfer of knowledge and understanding between the Panel and the Council. As well as initiating a formal process for agreeing the scope of a project before the Panel commences detailed work, the Council has adopted the practice of identifying one or two lead members for each subject. The lead members



observe the considerations of the Panel where appropriate and work closely with the secretariat in preparing consultation and definitive guidelines. Every member of the Council (including the Chairman) has undertaken this responsibility during the year. As a result, both consultation and definitive guidelines are now often agreed at the first time of consideration.

During the year, work has continued to complete the most wide ranging project undertaken by the Council and Panel – the review of the Magistrates' Court Sentencing Guidelines. To support its work, the Panel established an advisory group with members drawn from the Panel and the key user groups for the guidelines. Lead Council members have participated in the group and have also joined in some of the wider Panel deliberations. Extensive consultation and detailed consideration has produced guidelines that will come into force in August 2008 following a substantial programme of training. The Council and Panel secretariat has worked closely with the Judicial Studies Board to support that training and the Board's response has been very greatly appreciated.

The Council and Panel have also begun a wide ranging review of the approach to the assessment of seriousness of an offence; critical issues include the circumstances in which custody and community sentences are justified. The review is expected to result in a comprehensive guideline encompassing a wide range of matters of sentencing principle.

The Panel and the Council are very conscious of the demands made upon those who are consulted. The Panel seeks views from a group of regular consultees, as well as from individuals and organisations identified as having a particular interest in the topic under consideration, and from the public generally. It appreciates the very helpful responses that it receives; particular credit is due to those who have provided responses to every consultation paper that has been issued – in the year covered by this report that has been the Council of HM Circuit Judges, the Crown Prosecution Service, and the Justices' Clerks' Society.



The Council has continued to invite responses from Government Ministers and from the Justice Select Committee. The Council has greatly appreciated the contributions of the Select Committee and the opportunities that there have been for discussions with members concerning the Council's work. The substantial delays in receiving responses from Ministers, however, continue to significantly affect the work of the Council. The Council is pleased that Ministers have been able to undertake to respond more promptly to consultation guidelines in the future.

# Section 2

## Performance and achievements

### (1) Summary of key achievements and current work

Key achievements agreed during the period of this report are set out below. Most relate to the process of producing individual guidelines for offences or overarching principles. Additional publications that stem from the wider

function of the Council to provide information to assist sentencers and practitioners include updates to the compendium of key guideline judgments of the Court of Appeal and newsletters.

<b>Sexual Offences Act 2003</b>	Guideline published April 2007
<b>Fail to Surrender to Bail</b>	Consultation guideline and advice of the Panel published May 2007
<b>Update 3: Guideline Judgments Case Compendium</b>	Published May 2007
<b>The Sentence Issue 07</b>	Published May 2007
<b>Assault and other offences against the person, and Overarching Principles: Assaults on children and Cruelty to a child</b>	Consultation guidelines and advice of the Panel published June 2007
<b>Reduction in Sentence for a Guilty Plea</b>	Revised guideline published July 2007
<b>Sentencing for Fraud Offences</b>	Panel consultation paper published August 2007
<b>Breach of an Anti-Social Behaviour Order</b>	Panel consultation paper published August 2007
<b>Dangerous Offenders – guide for sentencers and practitioners</b>	Compendium supplement published September 2007
<b>Fail to Surrender to Bail</b>	Guideline published November 2007
<b>Corporate manslaughter</b>	Panel consultation paper published November 2007
<b>Revised Magistrates' Court Sentencing Guidelines</b>	Consultation guideline and advice of the Panel published December 2007
	Research report 04 on methods of calculating fines in magistrates' courts published December 2007


<b>Sentencing Study</b>	Major research project (co-owned with Home Office (now Ministry of Justice)) concluded January 2008 following pilot stage
<b>Causing death by driving</b>	Consultation guideline and advice of the Panel published January 2008  Research report 05 on attitudes to the sentencing of offences involving death by driving published January 2008
<b>The Sentence Issue 08 (Statistical)</b>	Published January 2008
<b>Assault and other offences against the person</b>	Guideline published February 2008
<b>Overarching Principles: Assaults on children and Cruelty to a child</b>	Guideline published February 2008
<b>Theft and burglary (non-dwelling)</b>	Consultation guideline and advice of the Panel published March 2008

At any one time, the Panel and Council are working on a large number of ongoing projects at the various stages in the guideline development process. Responsibility initially rests with the Panel which takes each topic through the investigative and consultation stages before tendering advice to the Council. In the period covered by this report, the Panel met on 12 occasions (17 days in total) to progress its work.

The Panel has established a diversity sub-group which gathers and considers any information relating to race, ethnicity, gender, disability, religion, sexual

orientation or age which may be relevant when proposing a sentencing approach. Where issues are identified, these are carried through into the Panel's consultation papers and all subsequent stages of the guideline development process.

For each guideline subject, the Panel will consider whether independent research is required. Where a research study is commissioned, the Panel appoints a sub-group to work with the secretariat throughout the tendering and operational stages of the study. Panel members allocated to the sub-groups attend

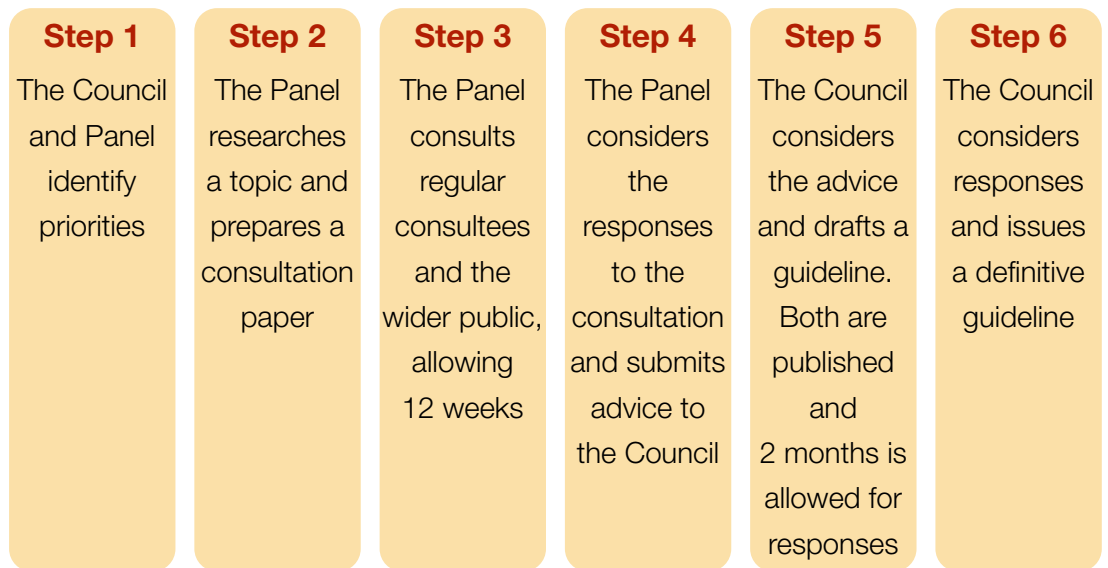


additional meetings and will also observe seminars and focus group sessions that may form part of the research.

For the review of the Magistrates' Court Sentencing Guidelines, an advisory group was established with members drawn from the Panel but also from key users of the guidelines including magistrates, District Judges (Magistrates' Courts) and Justices' Clerks. This group has convened regularly since the project began in 2006 and, in the period from April 2007 to March 2008, met on six occasions. Without the commitment of the members this project would not have proceeded as effectively and efficiently as it has.

The approach of nominating lead Council members for each work topic has helped ensure that the Council can consider relevant issues and publish consultation and definitive guidelines expeditiously once the Panel's advice is agreed and submitted. This approach has reduced the number of occasions on which documents have to be considered and the overall time spent at steps 5 and 6 of the process. The Council met on seven occasions in the period covered by this report. Minutes of its meetings are posted on the website.

## Guideline development process



The chart below details some of the current work projects, summarising the key features of each and the stage that they are at.

<p><b>Causing Death by Driving offences</b></p> <p><b>Status</b> – advice, research report and consultation guideline published January 2008, definitive guideline agreed and being prepared for publication.</p>	<p>This guideline covers two existing offences of causing death by dangerous driving and by careless driving when under the influence of drink or drugs, as well as two new offences introduced by the Road Safety Act 2006 of causing death by careless driving and causing death by driving whilst unlicensed, uninsured or disqualified.</p> <p>Guidance from the Court of Appeal in relation to sentencing the two existing offences (which was based on advice from the Sentencing Advisory Panel) has been fully reviewed. In addition, important information about public attitudes to sentencing these offences has been considered. The definitive guidelines will be available in advance of the introduction of the new offences.</p>
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## Magistrates' Court Sentencing Guidelines

**Status** - advice, research report and consultation guidelines published December 2007, definitive guidelines agreed for publication in May 2008

These guidelines are the product of an extensive and detailed review of the current edition of the Magistrates' Court Sentencing Guidelines, published by the Magistrates' Association in 2003. The process has benefited greatly from the involvement of key users of the guidelines and through consultation.

Important features of the guidelines include:

- a new format of offence guidelines, which provides more detailed guidance regarding sentencing starting points and ranges;
- coverage of a greater number of offences;
- incorporation of relevant guidelines issued by the Court of Appeal and Sentencing Guidelines Council; and
- substantial revision and expansion of the explanatory material.

A key issue in the review was the approach to the assessment of fines. The Panel's consultation paper (published February 2007) set out two options, and consultation responses were supplemented by independent research involving exercises with groups of sentencers in which the options were applied to realistic case scenarios.

Research results and consultation responses led to the options being revised. The approach in the consultation guidelines continued the existing method of basing a fine on a proportion of the offender's weekly income. However, in order to increase consistency of approach, guidance is provided on some issues not previously covered such as the approach to offenders on low incomes and to those cases where there is insufficient reliable information about an offender's financial circumstances. The Council consulted more widely than normal on this matter and responses received were very helpful in finalising the approach.

<p><b>Theft and burglary (non-dwelling)</b></p> <p><b>Status</b> – advice and consultation guideline published March 2008, definitive guideline being prepared</p>	<p>The consultation guideline covered four forms of theft commonly encountered in both the Crown Court and magistrates' courts (theft in breach of trust, theft from the person, theft in a dwelling and theft from a shop), as well as burglary in a building other than a dwelling. It was developed from two sets of advice tendered by the Panel; the first focussed on theft from a shop, which forms the largest category of sentenced theft cases, and the second addressed the three other forms of theft as well as burglary in a non-dwelling, making off without payment and abstracting electricity.</p> <p>As the vast majority of cases involving making off without payment and abstracting electricity are dealt with in a magistrates' court, draft guidelines for these offences were incorporated into the revised Magistrates' Court Sentencing Guidelines and formed part of that consultation.</p>
<p><b>Breach of Anti-Social Behaviour Orders (ASBOs)</b></p> <p><b>Status</b> – Panel consultation paper published August 2007, advice agreed and consultation guideline being prepared</p>	<p>The Panel received 66 responses to its consultation paper, all of which have been carefully considered. The Panel's advice includes a proposed guideline for the sentencing of adult offenders and also sets out the principles to be followed when sentencing a young offender. As the ability to deal appropriately with an order that has been breached depends on it having been properly made, the advice also includes a summary of the key principles applicable to the making of an ASBO. The Panel aims to submit its advice to the Council in the late spring.</p>
<p><b>Fraud Offences</b></p> <p><b>Status</b> – Panel consultation paper published August 2007, advice being prepared</p>	<p>The third consultation paper in the dishonesty series covered the new fraud offences introduced under section 1 of the Fraud Act 2006, a range of offences against the public purse and false accounting. The Panel is currently considering the 28 responses received and expects to submit its advice to the Council in the summer.</p>

<p><b>Corporate Manslaughter</b></p> <p><b>Status</b> – Panel consultation paper published November 2007, advice being prepared</p>	<p>Most provisions in the Corporate Manslaughter and Corporate Homicide Act 2007 came into force in April 2008. The Panel's consultation paper considered sentencing for the new offence of corporate manslaughter. 61 responses were received and the Panel aims to submit its advice to the Council in the summer.</p>
<p><b>Drugs Offences</b></p> <p><b>Status</b> – Panel consultation paper being prepared</p>	<p>The Panel is preparing a consultation paper on sentencing for a range of drug offences, focusing on those which are sentenced frequently, and those which result in a significant number of custodial sentences or for which substantial custodial sentences are imposed. These include importation and exportation, production, supply or offering to supply, possession with intent to supply and possession of a controlled drug. The Panel is also consulting on the offence of permitting premises to be used for a drug related activity. Although this offence is not prosecuted in large numbers, it is closely associated with offences of supply and use.</p> <p>The Panel's previously reported work on the sentencing of 'drug couriers' will be incorporated into this consultation. The Panel anticipates that a consultation paper will be published in the summer of 2008.</p>
<p><b>Review of Seriousness and New Sentences Guidelines</b></p> <p><b>Status</b> – Panel consultation paper being prepared</p>	<p>The Council has asked the Panel to review the definitive guidelines <i>Overarching Principles: Seriousness and New Sentences: Criminal Justice Act 2003</i>, both of which were published in December 2004 and came into effect on the implementation of the relevant provisions in the Criminal Justice Act 2003 (the Act) on 4 April 2005. This is in keeping with the Council's obligation to keep definitive guidelines under review.</p> <p>The review is intended to take account of</p> <ul style="list-style-type: none"> <li>(i) any subsequent changes to or in the implementation of measures in the Act; and</li> <li>(ii) the degree to which the guidelines have assisted sentencers or might helpfully be expanded to include a number of other issues on which guidance is needed, including the comparative effectiveness of various types of sentence.</li> </ul>

	<p>The consultation paper will consider issues related to the assessment of offence seriousness in order to produce a guideline covering an expanded range of overarching sentencing principles. In particular, the Panel plans to consider the range of factors that justify, or militate against, sending offenders to prison and influence how long a custodial sentence needs to be. The project will incorporate the work on –</p> <ul style="list-style-type: none"> <li>• offences taken into consideration (advice agreed December 2007)</li> <li>• women offenders</li> <li>• effectiveness of sentences</li> </ul> <p>In addition to publishing a paper for public consultation, the Panel intends to commission public opinion research and run a parallel series of seminars with key stakeholders to ensure that views on issues of such fundamental importance are gathered from across the whole range of bodies and individuals with an interest in the criminal justice system.</p>
<p><b>Sentencing young offenders</b></p> <p><b>Status</b> – project outline being prepared</p>	<p>This project seeks to construct general principles of sentencing applicable in the framework established for the sentencing of young offenders.</p>

## (2) Research and analysis

### Calculating fines in a magistrates' court

In December 2007, the Panel published a report of the findings from its research on methods of calculating fines in magistrates' courts. The research aimed to test out the suitability of two different options. Conducted independently by the School of Public Policy at the University of Birmingham in association with MHB, the research comprised of a series of seven workshops, six with magistrates and one with District Judges.

The findings from the research revealed a variety of views regarding the suitability of the proposed options. The clear message from the study was the need to develop guidelines that were simple and straightforward to use and that would result in realistic and fair sentences which also recognised the seriousness of the offence committed.

The findings were of great assistance to the Panel and Council and were used extensively in formulating the proposed guidelines.

The full research report can be found at: [www.sentencing-guidelines.gov.uk/research/index.htm](http://www.sentencing-guidelines.gov.uk/research/index.htm)

### Attitudes to sentencing for causing death by driving offences

In January 2008, the Panel published a report of the findings from its research on attitudes to sentencing for causing death by driving offences. Conducted independently by ICPR and GfKNOP, the research comprised a survey of a representative sample of 1,031 adults across England and Wales, 12 focus groups and 11 in-depth interviews with relatives of victims.

The research confirmed that sentencing in this area provokes strong reactions but it also provided information about victims' concerns about their experience of the court process. These concerns have been brought to the attention of relevant bodies. The full research report can be found at: [www.sentencing-guidelines.gov.uk/research/index.html](http://www.sentencing-guidelines.gov.uk/research/index.html)

### A study of sentencing and its outcomes

The Council and the Home Office (later Ministry of Justice) jointly commissioned the University of Cambridge to undertake a research study of sentencing and its outcomes. The main objectives of the research were to:

- (i) inform the development of sentencing guidelines by providing detailed information about offence characteristics and factors that influence sentencing decisions; and
- (ii) examine the relative effectiveness and cost effectiveness of different sentences.

The study was also intended to provide a baseline of information prior to the sentencing reforms introduced by the Criminal Justice Act 2003 and of the Council's sentencing guidelines to enable future research to properly evaluate any changes. Court files were to be used as the main data source.

A pilot was undertaken to assess the feasibility of conducting the study. It demonstrated that the practicalities of identifying records, collecting data and managing procedures could be successfully undertaken. However, it also highlighted a number of issues; in particular, it was found that:

- data on aggravating and mitigating factors were absent to a degree which would impact significantly on any conclusions that could be drawn;
- the types of sentenced offences varied considerably by court and

area making it difficult to identify a truly representative sample for the 18 offences of interest;


- the destruction of court files for 2004 and for some of 2005 in accordance with standard record keeping policy made the establishment of a true baseline study difficult.

Since it had become clear that the research would not meet its original objectives, it was decided not to continue the study beyond the pilot phase. The pilot report will be published in summer 2008 and will be available on the sentencing guidelines website [www.sentencing-guidelines.gov.uk/research/index.html](http://www.sentencing-guidelines.gov.uk/research/index.html)

The Council continues to investigate alternative methods for obtaining relevant information.

## Impact of Guidelines

The Council and the Panel have begun work on methods to quantify reliably the impact of its guidelines. The Panel's research relating to theft from a shop provided information that made it possible to estimate the prevalence of aggravating and mitigating factors. It was found that actual sentencing decisions are only partly explained by the known offence and



offender characteristics. If such variation was carried forward into sentencing under the new guideline, the overall pattern of sentencing would be largely unchanged, although there would be differences in the sentences for specific individuals, the research concluded.

A different exercise was carried out for the proposed offence of causing death by careless driving. Currently the statistics on careless driving sentences do not record whether a death occurred. Data obtained from the Crown Prosecution Service led to an estimate that the new offence would generate around ten additional prison places per year.

Several exercises were undertaken to see if the effect of previous guidelines or judgments resulted in any changes to reported sentencing patterns. Some small changes were found, but the evidence that they derived from the guidelines or judgments was not conclusive.

### (3) Communications

During the past year the Council and Panel have given increasing attention to communicating their roles and work to a wide range of audiences. Press notices and briefings have been organised to explain specific publications and members have taken part in a number of broadcast interviews including a special edition of BBC Radio 4's Law in Action that concentrated exclusively on the issue of sentencing.

Opportunities have also been taken to engage interested individuals and organisations in our work. A new initiative was the decision to book an exhibition stand at the Annual Bar Conference held in London on November 3. Eye-catching poster displays explaining key issues and material of particular relevance to barristers were created. Members of the secretariat staffed the stand, answering delegates' questions. The posters were also used the following week at the Inside Justice Week exhibition organised at the Ministry of Justice headquarters. We will continue to identify future events that support our communications activity.

The Panel is exploring ways of ensuring increased participation in its consultations. We are identifying interested organisations and have engaged the wider public through a number of research projects.

The Council continues to recognise the need for a convenient source of research and statistical information about sentencing for sentencers and those working in the criminal justice system. Issue 8 of the newsletter was the fourth annual statistical digest of sentencing data providing local, regional and national level sentencing data to promote informed debate about sentencing patterns across the criminal justice system of England and Wales. Once again the coverage has been expanded, and this edition provides full area and offence level statistics for the whole of the period 2002 to 2006, as well as information about gender differences in sentencing.

Key information and data were presented in the text of the newsletter. Detailed supporting data was contained in a CD-ROM attached to each copy which allowed for the data to be presented at varying levels of detail down to individual offence type and local court. Information about the youth courts was expanded, with full details of youth sentencing for 2005 and 2006.

We acknowledge the assistance of the Office for Criminal Justice Reform, the Research, Development and Statistics branch of the Home Office, and the Youth Justice Board, in providing the data used in the newsletter.



## Freedom of information

Under the Freedom of Information Act 2000, every public authority is required to adopt and maintain a publication scheme detailing the types of information it makes routinely available to the public. The Council and the Panel have each drawn up a publication scheme which has been approved by the Information Commissioner; these are available on our website, and on request to enquirers. Both schemes are currently under review, with consideration being given to the nature of the material identified and its appropriate Crown Copyright classification. Revised versions will be published on our website once they have the approval of the Information Commissioner.

The Act obliges public bodies to make available to members of the public, on request, any other information held by them on particular topics, unless such information comes into one of the categories which are exempt under the Act.

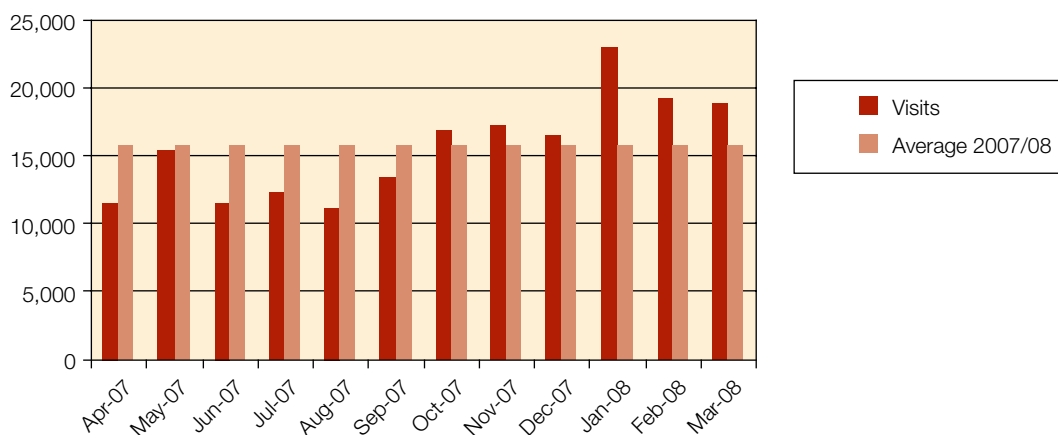
During the period covered by this report, three requests under the Act were received.

## The sentencing guidelines website

The website continues to be an important channel of communication and its use continues to increase. It contains a range of information, including all documents published by the Council and Panel and their current and future work schedules. All communication material developed by the secretariat includes details of the website in order to direct interested individuals and organisations to the most up-to-date source of information.

Overall use of the website has continued to increase during the period of this report, from an average of 10,185 visits per month in 2006 to 2007 to 15,629 per month in 2007 to 2008.

The diagram below provides an overall picture of the number of visits to the website in the period covered by this report.



## (4) Calendar of events

### May 2007

- Anne Fuller and members of the secretariat visited HM Prison Ford, where they were shown the facilities and met some of the prisoners.
- Professor Martin Wasik and Anne Fuller participated in a programme for the “Unreliable Evidence” series on Radio 4.
- Christopher Woolley took part in a BBC Wales programme and referred to the Council guideline in relation to community sentences.
- Martin Wasik attended one of a series of breakfast meetings hosted by the Lord Chancellor to introduce the new Ministry of Justice and to enable NDPBs and external stakeholders to contribute their views regarding its future priorities.

### June 2007

- Howard Riddle led some of the training seminars for District Judges (Magistrates’ Courts) at Highgate House.

### July 2007

- Lord Phillips and Sir Igor Judge gave evidence to the Constitutional Affairs Committee as part of its inquiry ‘Towards Effective Sentencing’.
- Amu Devani attended a meeting of the East Midlands Reducing Re-offending Partnership Board (and a subsequent meeting in October) as an observer.

### September 2007

- Frances Heidensohn attended a seminar at the King’s Fund to discuss the requirement to implement the new gender equality duty.
- Warren Young, Deputy President of the New Zealand Law Commission attended the two day meeting of the Panel.

### October 2007

- Anne Fuller and Frances Heidensohn attended the conference *How to Prevent Prison Overcrowding – some practical solutions* at Cumberland Lodge.
- Anthony Ansell, Frances Heidensohn, Teresa Reynolds and Lesley Dix attended the launch of the research report *Mitigation: the role of personal factors in sentencing*.
- Part of the Panel meeting was recorded for a “Law in Action” programme on sentencing to be aired in November. The Chairman of the Panel also took part in a separate interview.
- Christopher Woolley met the organiser of the Restorative Justice programme operating in Cardiff Prison.
- Amu Devani attended a consultation event in Melton Mowbray concerning the MoJ Strategic Plan for Reducing Re-offending 2008-2011.

## November 2007

- Anne Fuller attended the launch of the research report: *The Economic Case for and against Prison*.
- Dianna M Yach BA LLB LLM FCIPD spoke to the Panel about its obligations under various aspects of diversity legislation and how these could be accommodated within the Panel's work.

## December 2007

- Sir Michael Rawlins, Chair of the Advisory Council on the Misuse of Drugs gave a presentation to the Panel on how drugs are classified.

## January 2008

- Peter Neyroud briefed print and broadcast journalists on the Council's consultation on death by driving offences and took part in a number of broadcast interviews, including BBC Radio 4's *The World at One*.
- Teresa Reynolds and Joanne Savage met Judge Keijiro Hayashi from the Fukui District Court in Japan to discuss the Council and its work.
- Christopher Woolley took part in a BBC Wales programme in which he discussed the Panel's consultation paper on causing death by driving offences.

## February 2008

- Andrew Ashworth and Nita Bhupal attended a conference on 'Aggravating and Mitigating Factors in Sentencing' at Worcester College, Oxford, and Andrew Ashworth gave a paper on 'Mitigation, Aggravation and Guidelines.'

## March 2008

- Andrew Ashworth spent two weeks in New Zealand at the invitation of the New Zealand Law Commission, in order to review and comment on the drafting of proposed sentencing guidelines.

## Section 3

# Membership details of the Council and Panel

Sentencing Guidelines Council	Sentencing Advisory Panel
<p><b>Chairman</b> Lord Phillips</p> <p><b>Deputy Chairman</b> Sir Igor Judge</p> <p>Peter Beaumont Anthony Edwards Sir David Latham Sir Ken Macdonald Michael Mettyear Peter Neyroud Sir Christopher Pitchford Teresa Reynolds Malathy Sitaram Tim Workman</p> <p>Observers – Andrew Ashworth Christine Stewart</p>	<p><b>Chairman</b> Martin Wasik (to June 2007) Andrew Ashworth (from July 2007)</p> <p><b>Deputy Chairman</b> Howard Riddle (from July 2007)</p> <p>Anthony Ansell Philip Clegg John Crawforth (from May 2007) Amritlal Devani Anne Fuller Frances Heidensohn David Mallen Michael Morgan John Staples Joanna Wallace Joan Webster Christopher Woolley</p>

**Re-Appointments:**

Sir Igor Judge (Council)  
Peter Beaumont (Council)  
Peter Neyroud (Council)

**Appointments:**

John Crawforth (Panel)

The Council has benefited from a period of stability in terms of its membership and is reporting on a busy and productive year. Significant progress and new ways of working have ensured that a number of work topics and issues have been concluded expeditiously and efficiently maximising the time and input of all members.

Peter Beaumont and Peter Neyroud have been re-appointed to serve additional terms of office with the Council. Both were originally appointed following competition and have made valuable contributions to the Council, particularly in relation to the development of guidelines for theft and burglary of premises other than a dwelling and causing death by driving for which they were lead members. Igor Judge has also been re-appointed having taken over the term of office of a previous senior judicial member. He has made important contributions both as a Council member and also as Deputy Chairman and is leading for the Council on the topic of fraud.

The Panel has fourteen members, including the chairman, appointed by the Lord Chancellor after consultation with the Home Secretary and the Lord Chief Justice to serve on the Panel until 30 June 2008. Panel members are drawn from a wide variety of backgrounds both

from within and outside the criminal justice system.

One new Panel member has been recruited following the departure of Heather Harker. John Crawforth has worked for the Probation Service for over 30 years. He is currently Chief Officer, National Probation Service, Greater Manchester – the third largest probation area in the country – and was previously Chief Officer in Lancashire. John has been active in improving communications with sentencers and currently represents the probation service on the National Offender Management Service/Sentencer Forum.

The Panel has covered a wide range of complex topics during an exceptionally busy year and is always gratified by the extent to which its extensive consultation processes help to inform and enhance its work.

**Registers of interests of members of the Council and Panel for the period covered by this report can be found at Annex A and Annex B respectively.**

## Section 4

# Secretariat support

Members of the Sentencing Guidelines Secretariat are:

<b>Kevin McCormac</b>	Head of Secretariat
<b>Lesley Dix</b>	Secretary to the Panel
<b>Joanne Savage</b>	Secretary to the Council
<b>Peter Mosley</b>	Data Analyst
<b>Nita Bhupal</b>	Senior Research Officer
<b>Daniel Benjamin (to October 2007)</b>	Senior Policy Officer (Panel)
<b>Alice Ripley</b>	Senior Policy Officer (Panel)
<b>Louise Moreland (to April 2008)</b>	Senior Policy Officer (Council)
<b>Jessica Queenan</b>	Policy Officer (Council)
<b>Fe Salton (to November 2007)</b>	Manager, Admin. Support Team
<b>Ebere Ezete (from March 2008)</b>	Manager, Admin. Support Team
<b>Husnara Begum</b>	Administrative Support Team
<b>Gareth Sweny</b>	Administrative Support Team
<b>Linda Paice</b>	Administrative Support Team
<b>Eman Osman</b>	Administrative Support Team

The secretariat supports both the Panel and the Council and brings together officials with substantial direct experience of the work of the courts and those with considerable experience of policy development and delivery. In addition, communication advice is provided on a consultancy basis by Sheree Dodd, a specialist in public sector communications.

There have been some changes in staff during the period of this report. One policy officer left the secretariat to pursue a career as a barrister and another was successful in achieving promotion and joined the Government Legal Service. In addition, the manager of

the administrative support team retired. Only the latter post has been filled to ensure continuity in the quality of support provided to the Council and Panel. There were 13 staff in post on 31 March 2008.

### Work and calendar of events

The past twelve months have been a busy and challenging time for the secretariat. Projects are not limited to assisting the development of advice and guidelines. The secretariat has had a full programme of work designed to maintain and develop links with other jurisdictions, support judicial training and strengthen communication with stakeholders.



A number of senior international figures have visited the secretariat to discuss the work of the Panel and Council including Professor Arie Freiberg, Chair of the Victoria Sentencing Commission, Australia. In September Warren Young, Deputy President of the New Zealand Law Commission, visited the secretariat to discuss issues concerning the establishment of a Sentencing Council in New Zealand as well as topics of mutual interest, including dishonesty and drugs offences. Presentations on sentencing guidelines were given to judicial and criminal justice delegates taking part in courses of study in the UK organised by the Royal Institute of Public Administration and Public Administration International.

Work to support the development of judicial training has been a priority and meetings have been held on a regular basis with officials from the Judicial Studies Board (JSB) to strengthen the liaison between the two bodies. Members of the secretariat have taken part in a number of training programmes including continuation seminars for members of the judiciary and seminars on serious sexual offences run for the Crown Court judiciary. Training of magistrates in readiness for implementation of the new Magistrates' Court Sentencing Guidelines is vital and the secretariat has assisted in the development and piloting of materials

and subsequently in the delivery of those materials to legal advisers who will be training magistrates.

The secretariat has put increasing emphasis on strengthening communication with stakeholders, including those within Westminster and Whitehall. In October there was a meeting with members of the Justice Select Committee to discuss how the guidelines process works and the Committee's role in responding to draft guidelines. Further meetings were held with Committee officials and officials from the Ministry of Justice, Home Office, Attorney General's office and others to discuss the revised Magistrates' Court Sentencing Guidelines and consultation guideline for offences of causing death by driving at the time of publication. In addition, meetings have been held with the Criminal Committee of the Council of HM Circuit Judges, and members of the secretariat have attended events such as the AGM of the Magistrates' Association and addressed RoadPeace's conference in April on the Council's consultation guideline on death by driving offences.

The Council and Panel are grateful to secretariat members for the high standard of their work and the reliable, friendly and enthusiastic support they provide to the bodies and individual members.

## Budget/financial details

### Members' fees and expenses

Those members of the Council and Panel who are not employed on a full time basis in the criminal justice system are entitled to claim fees for attending meetings of the Council or Panel. All members are entitled to claim reimbursement of travelling and subsistence expenses actually and necessarily incurred in the course of business. The daily rate of fees payable was increased in April and again in November 2007 from £213 to £218. The fees and expenses of members of the Panel and the expenses of the judicial members of the Council are paid by the Ministry of Justice. Fees and expenses of other members are paid by the Home Office.

### Total expenditure from budget in 2007/2008

Staff salaries	*£649,400
Office expenditure, training and meetings	*£81,200
Research, publications and website	*£270,200
Total expenditure	*£1,000,800

\* to nearest £100

The Chairman of the Panel is entitled to claim a daily fee for meetings of the Panel and pro rata for other necessary duties. The daily rate of fees payable was increased from £356 to £365.

Total expenditure on Council members' fees and expenses in the financial year 2007/2008 was \*£6,200 and for Panel members the total was \*£63,700.

### Other expenditure

The secretariat also administers a budget, provided by the Ministry of Justice, to cover expenditure on staff salaries, and on items such as office equipment, stationery, training, research and publications.



# Annex A

## Sentencing Guidelines Council

### Register of Interests

Name	Appointment	Interests to declare
<b>Lord Phillips</b>	From 1 October 2005 (in capacity as the Lord Chief Justice)	No personal or business interests to declare
<b>Peter Beaumont</b>	From 5 March 2004 to 4 March 2008. Re-appointed 5 March 2008 to 4 March 2011	No personal or business interests to declare
<b>Anthony Edwards</b>	From 5 March 2004 to 4 March 2009	<p>Remunerated employment as senior partner of T.V. Edwards (solicitors). The firm has contracts with the Legal Services Commission and various police service areas and magistrates' courts authorities for training, criminal and civil legal services</p> <p>Member of:</p> <ul style="list-style-type: none"> <li>• Council of Justice</li> <li>• Law Society</li> <li>• Legal Aid Practitioners Group (LAPG)</li> <li>• Criminal Law Solicitors' Association</li> </ul> <p>Subscriber of the Legal Action Group</p> <p>Publications:</p> <ul style="list-style-type: none"> <li>• Paid writer of Criminal Law Update, <i>Law Society's Gazette</i></li> <li>• Paid member of the editorial board of <i>Criminal Law Review</i> (Sweet and Maxwell)</li> <li>• Paid member of the editorial board of <i>Cordery on Solicitors</i> (Butterworths Tolley)</li> <li>• Paid writer for Law Society publications</li> <li>• Author of <i>Advising a Suspect in a Police Station</i> (Sweet &amp; Maxwell)</li> </ul>
<b>Sir Igor Judge</b>	From October 1 2005 to 4 March 2008 (in capacity as Lord Justice of Appeal)  Re-appointed 5 March 2008 to 4 March 2011	No personal or business interests to declare

Name	Appointment	Interests to declare
<b>Sir David Latham</b>	From April 2006 (in capacity as the Vice President of the Criminal Division of the Court of Appeal)	No personal or business interests to declare
<b>Sir Ken Macdonald</b>	From 5 March 2004 (in capacity as Director of Public Prosecutions)	No personal or business interests to declare
<b>Michael Mettyear</b>	From 5 March 2004 to 4th March 2007 Re-appointed 5 March 2007 to 4 March 2010	No personal or business interests to declare
<b>Peter Neyroud</b>	From 5 March 2004 to 4 March 2008. Re-appointed 5 March 2008 to 4 March 2011	Independent member of the Parole Board Review Panel
<b>Sir Christopher Pitchford</b>	From April 2006 (in capacity as Chairman of the Criminal Committee of the Judicial Studies Board).	No personal or business interests to declare
<b>Teresa Reynolds</b>	From 5 March 2004 to 4 March 2007. Re-appointed 5 March 2007 to 4 March 2010	No personal or business interests to declare
<b>Malathy Sitaram</b>	From 5 March 2004 to 4 March 2009	Member of Wiltshire Police Authority
<b>Tim Workman</b>	From 5 March 2004 (in capacity as Senior District Judge)	No personal or business interests to declare

Name	Appointment	Interests to declare
<b>Andrew Ashworth</b>	Observer in capacity as Chairman of the Sentencing Advisory Panel	See Register of Interests for the Sentencing Advisory Panel
<b>Christine Stewart</b>	Observer appointed by Secretary of State, Director, Law and Sentencing Policy, Ministry of Justice	No personal or business interests to declare

# Annex B

## Sentencing Advisory Panel

### Register of Interests

Name	Appointment	Interests to declare
<b>Andrew Ashworth</b>	Appointed 1 July 1999; re-appointed 1 July 2002; re-appointed 1 July 2005 to 30 June 2008	Member of: <ul style="list-style-type: none"> <li>• Howard League for Penal Reform</li> <li>• Council member, Justice</li> <li>• Centre for Crime and Justice Studies</li> <li>• Magistrates' Association</li> </ul>
<b>Anthony Ansell</b>	Appointed 1 July 2005 to 30 June 2008	Honorary member of London Criminal Courts Solicitors' Association
<b>Philip Clegg</b>	Appointed 1 July 2005 to 30 June 2008	No personal or business interests to declare
<b>John Crawforth</b>	Appointed 16 May 2007 to 30 June 2008	Member, Greater Manchester Probation Board Member, Greater Manchester Criminal Justice Board
<b>Amritlal Devani</b>	Appointed 1 July 2005 to 30 June 2008	Member of Employment Tribunal Associate member of General Medical Council Race Relations Adviser/Assessor, Home Office
<b>Anne Fuller</b>	Appointed 1 July 1999; re-appointed 1 July 2002; re-appointed 1 July 2005 to 30 June 2008	Vice President, Magistrates' Association Member of: <ul style="list-style-type: none"> <li>• Adjudication Panel of the Solicitor's Regulation Authority</li> <li>• Disciplinary Panel of the Institute of Chartered Accountants</li> <li>• SOVA (Society of Voluntary Associates)</li> </ul>
<b>Frances Heidensohn</b>	Appointed 1 July 1999; re-appointed 1 July 2002; re-appointed 1 July 2005 to 30 June 2008	Member of Centre for Crime and Justice Studies Lay chair of appointment committees for the NHS and the London Postgraduate Deanery Patron, Griffin Society Lay member, General Social Care Council Conduct Committee Chair, General Social Care Council Registration Committee

Name	Appointment	Interests to declare
<b>David Mallen</b>	Appointed 1 July 1999; re-appointed 1 July 2002; re-appointed 1 July 2005 to 30 June 2008	No personal or business interests to declare
<b>Michael Morgan</b>	Appointed 1 April 2001; re-appointed 1 July 2002; re-appointed 1 July 2005 to 30 June 2008	Trustee of Compass (Drug Referral Agency)
<b>Howard Riddle</b>	Appointed 2 August 2004; re-appointed 1 July 2005 to 30 June 2008	Member of: <ul style="list-style-type: none"> <li>• Law Society</li> <li>• Magistrates' Association</li> <li>• London Criminal Courts' Solicitors Association</li> </ul>
<b>John Staples</b>	Appointed 14 July 2003; re-appointed 1 July 2005 to 30 June 2008	Trustee of Compass (Drug Referral Agency) Trustee of Howard League for Penal Reform Prison governor mentor Chair, Circles of Support and Accountability Steering Group, Yorkshire and Humberside
<b>Joanna Wallace</b>	Appointed 1 July 2005 to 30 June 2008	Member of Fawcett Society
<b>Joan Webster</b>	Appointed 1 February 2001; re-appointed 1 July 2002; re-appointed 1 July 2005 to 30 June 2008	No personal or business interests to declare
<b>Christopher Woolley</b>	Appointed 14 July 2003; re-appointed 1 July 2005 to 30 June 2008	Congestion Charge Adjudicator, PATAS Immigration judge Member of: <ul style="list-style-type: none"> <li>• Law Society</li> <li>• Criminal Justice Board for South Wales</li> <li>• QC Selection Panel for England and Wales</li> <li>• Lord Chancellor's advisory committee for the Welsh Language</li> </ul>



The Council has published 12 definitive guidelines to the end of March 2008.

<b>Definitive guideline</b>	<b>Published</b>	<b>Effective from</b>	<b>Revised guideline published</b>	<b>Effective from</b>
<b>Overarching Principles: Seriousness</b>	16 December 2004	4 April 2005		
<b>New Sentences: Criminal Justice Act 2003</b>	16 December 2004	4 April 2005		
<b>Reduction in Sentence for a Guilty Plea</b>	16 December 2004	10 January 2005	20 July 2007	23 July 2007
<b>Manslaughter by Reason of Provocation</b>	28 November 2005	28 November 2005		
<b>Robbery</b>	25 July 2006	1 August 2006		
<b>Overarching Principles: Domestic Violence</b>	7 December 2006	18 December 2006		
<b>Breach of a Protective Order</b>	7 December 2006	18 December 2006		
<b>Sexual Offences Act 2003</b>	30 April 2007	14 May 2007		
<b>Fail to surrender to bail</b>	29 November 2007	10 December 2007		
<b>Assaults and other offences against the person</b>	20 February 2008	3 March 2008		
<b>Overarching principles: Assaults on children and Cruelty to a child</b>	20 February 2008	3 March 2008		

Copies of this report may be obtained from:

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